

VILLAGE OF IRVINGTON
Zoning Board of Appeals

Minutes of Meeting held on September 21, 2004

A meeting of the Zoning Board of Appeals of the Village of Irvington was held at 8:00 p.m., Tuesday, September 21, 2004, in the Trustee's Meeting Room, Town Hall, Irvington, New York.

The following members of the Board were present:

Louis Lustenberger – Chair
Bruce Clark
Robert Myers
Christopher Mitchell
Arthur Semetis

Mr. Lustenberger acted as Chairman, and Mr. Semetis as Secretary of the meeting. Minutes of the Board's August 24, 2004 meeting were approved.

The following matters were on the agenda:

2004-24 Fernando Mateo and Stella Urban – 202 West Clinton Avenue
(Sheet 7B; Block 249; Lot 9A)

2004-25 James and Vesna Rothschild – Lot 13, Dearman Park Subdivision
(Sheet 10; Lot 13)

2004-26 Racwel Contracting – Lot 15, Dearman Park Subdivision
(Sheet 10; Lot 15)

2004-27 Milano – This matter was adjourned at the request of the Applicant.

Mateo and Urban

The Applicants were represented by Mr. Podraic Steinschneider. The Applicants sought a variance from sections 224-13 (Coverage) and 224-136 (Floor Area Ratio) of the Village Code to permit the construction of additions and alterations to an existing two-story residence. This matter had been adjourned from the August 24, 2004 meeting to permit a greater number of Board Members to consider the application.

Mr. Steinschneider reiterated his presentation made at the meeting in August. He stated that the proposed changes were designed to improve the aesthetics, expand the living area, and enclose areas already within the existing footprint.

The Board Members reviewed the percentages of the Coverage and FAR, and agreed that the structure, as presently existing, exceeded Coverage by 26.9% and FAR by 44.8%. The Applicants' proposal would result in Coverage exceeding the permissible amount by more than 30%, and FAR exceeding the permissible amount by more than 60%.

The Chairman commented that the proposed work would merely fill in craters and corners of the existing structure, and not materially affect the appearance of the existing structure. He added that he viewed the proposal as not materially affecting the neighborhood.

Mr. Myers stated that the test is "allowable" versus "proposed," and absent compelling factors, he could not agree that the proposal was acceptable. Mr. Clark added that the approval of a 60% increase over the allowable FAR would set a bad precedent. Mr. Mitchell concurred that a bad precedent would be set in that there would be an increase to the bulk of the structure. He added that the property already contained a bulky structure on a relatively small lot.

The Chairman then made a motion to grant the application. The motion was not seconded. Robert Myers then made a motion to deny the application. This motion was seconded by Christopher Mitchell. The motion to deny was then approved three to one, with Board Member Arthur J. Semetis recusing himself due to a personal and professional relationship with the Applicants.

Jones and Vesna Rothschild

The Applicants were represented by Mr. Steinschneider. The Applicants seek a variance from section 224-34 (Height) and 224-136 (FAR) of the Village Code to permit the construction of a new home in the Dearman Park Subdivision.

Specifically, the application sought a variance to increase the Height of the proposed structure 29% above the permissible amount, and to increase FAR 33% above the permissible amount.

The Chairman stated that the variances sought were extremely substantial, and that, if granted, they would establish a precedent for each of the homes to be built in the development. He added that as the variances were not for an existing structure, granting them would result in a gutting of the law, and would have an adverse impact on the health, welfare and safety of the community.

Mr. Steinschneider did not disagree, stating that if a variance were granted, it would effectively constitute a rewriting of the Village Code.

Mr. Rothschild, the Applicant, was seated in the audience. He addressed the Board, expressing his frustration at his inability to obtain a variance to begin construction on his new home.

The Chairman made a motion to deny the application which was unanimously approved.

Racwel Contracting

The application was withdrawn by Mr. Steinschneider on behalf of the Applicants.

The meeting was adjourned at 9:00 p.m.